

REMARKS

This amendment is accompanied by a Request for Continued Examination (RCE) and RCE fee. While applicants note and appreciate the indication that claims 10-12 and 20 would be allowable if rewritten in independent form, applicants respectfully believe that this amendment places all the claims in allowable form.

Claims 1-28 remain in the application. Claims 1 and 16 have been amended to better clarify the fluid passageways of the claimed invention. Each of claims 1 and 16 recites, in part, that at least one of the fluid passageways is in fluid communication with the main supply line and at least another of the fluid passageways is in fluid communication with a second fluid supply line. New claim 29 has been added and recites, in part, an irrigation fluid passageway which is in fluid communication with the main supply line and a pilot pressure fluid passageway which is in fluid communication with a pilot pressure fluid. The second supply line or pilot pressure fluid of claims 1, 16 and 29 is supported by the original application at paragraph 30, lines 6-9 and paragraph 38 and, thus, does not constitute new matter. Further, claims 10 and 20 have been amended for grammatical purposes.

Beginning with the 102 rejection of independent claim 26, applicants respectfully disagree because Hane '041 fails to teach or suggest a frame which includes first and second conduits which define first and second passageways which are fluidly separate from each other throughout the frame, as recited in claim 26. It is presumed in the Office Action that Hane's connection socket 21 in Fig. 7 teaches or suggests the subject matter of claim 26. Applicants respectfully submit that such an interpretation is not a correct understanding of Hane '041. A watering sprinkling device 1 having the connection socket 21 of Fig. 7 is no different than the watering sprinkling device 1 having the connection sockets 4, 5 shown in Figs. 1-6 except for the

additional sub-pipe 3 which allows sub-pipes 3 to be mounted on both sides of the main pipe 2. The internal construction of the connection sockets 21 does not deviate from the internal construction previously described by Hane in Figs. 3, 5 and 6 (col. 8, lines 55-69) except that there is a second sub-pipe 3. As described in Hane '041, the fluid flow to each sub-pipe 3 flows into the sub-pipe 3 from the main pipe 2. Hane '041 clearly does not disclose or suggest that the fluid flow in the sub-pipe 3 is fluidly separate from the fluid flow in the main pipe 2 throughout the length of the main pipe 2. Therefore, Hane '041 fails to teach or suggest a fluidly separate second passageway in any respect. Claim 26 is believed to be allowable for this reason and, likewise, its dependent claims, claims 27-28, also should be allowable.

As to the 103 rejections of independent claims 1 and 16, it is presumed in the Office Action that the subject matter of these claims would be obvious over the alleged combination of the water drip device of Dunn 4,763,842 and the water sprinkling device of Hane 4,162,041. However, the alleged combination is respectfully believed to lack the essential features of these claims. Reconsideration is respectfully requested for the reasons stated below.

In Dunn '842, the water drip device 10 comprises a supply channel 22 constructed of plastic tape 11 having sides 18 and 20 which are joined together and sealed. The supply channel 22 has a plurality of spaced openings 26 along its length. Each of these openings 26 allows the water from the supply channel 22 to branch off into a pressure channel 30 and exit a water outlet 36. In contrast to claim 1, the supply channel 22 and the pressure channel 30 do not define first and second passageways where each passageway permits a fluid stream to flow from an upstream end of the water drip device 10 to the downstream end of the water drip device.

Dunn's pressure channels 30 are merely extensions or branches from the same supply channel 22. In Figure 1, fluid from the supply channel 22 flows through the opening 26 to

the pressure channel 30 and then is directed left (see Figure 1) to flow out of the outlet 36. Dunn merely teaches a single fluid pathway which is defined by both channels 22 and 30. The section of the watering device 10 shown in Figure 1 shows one complete pressure channel 30 and part of another pressure channel 30. Clearly, no one pressure channel 30 discloses or suggests a second passageway which permits fluid flow from the upstream end to the downstream end of the watering device 10. Rather, each pressure channel 30 is fluidly disjointed from each other pressure channel 30 along the length of the device 10 and is separated from another pressure channel 30 by an invented V-shaped stabilizer cavity 38. It would not be obvious to connect the fluidly disjointed pressure channels 30 and eliminating the cavity 38 because Dunn's water drip device would fail for its intended purpose. Dunn explains that the cavity 38 is necessary to prevent collapse or restriction of water flow through the pressure channels 30 (col. 3, lines 60-66).

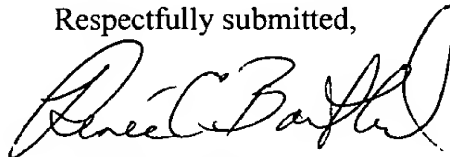
As to Hane '041, the water sprinkling device 1 consists of a plurality of main pipes 2 and sub-pipes connected by end sockets 4 and intermediate sockets 5. Hane's sockets 4 (as shown in Fig. 3) are positioned at the outer boundary end of the sub-pipe 3 and the intermediate sockets 5 (as shown in Fig. 5) connect adjacent sub-pipes 3. The water sprinkling device 1 does not define more than one fluid passageway throughout its length. The sockets 4 close off the sub-pipes 3 to any fluid flow from the upstream end to the downstream end of the device 1. The sub-pipes 3 are merely an extension of the same fluid stream defined by the main pipe 2. Water feeds in the sub-pipes 3 from the main pipe 2 at the socket 5 and then branches either left or right, relative to Fig. 5, into the sub-pipes and consequently flows out of the numerous spurting holes defined in the sub-pipes (col. 7, lines 46-48). Therefore, even the alleged combination of Dunn '842 and Hanes '041 would not render amended claim 1 obvious.

In addition, amended claim 1 is further distinguishable over Dunn '842 and Hane '041 either alone or in combination with one another for another reason. Neither of these references teach or suggest that at least one of the fluid passageways is in fluid communication with the main supply line and at least another of the fluid passageways is in fluid communication with a second fluid supply line. As previously discussed, Dunn '842 teaches that both the supply channel 22 and the pressure channel 30 are connected to a single pressurized water source (Col. 5, lines 6-7). No other fluid supply is mentioned in Dunn '842. Similarly, Hane '041 teaches that the main pipe 2 and sub-pipes 3 are both in fluid communication with a master pipe 7. For this additional reason, amended claim 1 is respectfully believed to be allowable.

For the same reasons as discussed above relative to amended claim 1, amended claim 16 also would not be obvious over the alleged combination of Dunn '842 and Hane '041. Further, claims 2-15 and 17-25, respectively, depend either directly or indirectly from claims 1 and 16 and also should be allowable. Finally as to new claim 29, since Dunn '842 and Hane '041 do not teach or suggest a second fluid supply line, it logically follows that these references further do not teach or suggest a pilot pressure fluid passageway, as recited in claim 29. Therefore, it is believed that the cited references are wholly unlike applicants' claimed distribution tube assembly and cannot anticipate or render it obvious.

Claims 1-29 are now respectfully believed to be distinguishable over the cited references. Reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Renée C. Barthel", written in a cursive style.

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